# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**FIRST APPEAL No. 637 of 2005**
**To**
**FIRST APPEAL No. 648 of 2005**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE B.J.SHETHNA**
**HONOURABLE MR.JUSTICE M.C.PATEL**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**SPL.LAQ OFFICER - Appellant(s)**

**Versus**

**LALJIHAI CHHAGANBHAI & 1 - Defendant(s)**

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**Appearance :**
MR SIRAJ GORI, AGP for Petitioner No(s).: 1.
MR AJ PATEL for Respondent No(s).: 1.
None for Respondent No(s).: 2.
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**CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA**
**and**
**HONOURABLE MR.JUSTICE M.C.PATEL**
**Date : 18/08/2005**

**ORAL JUDGMENT**

**(Per : HONOURABLE MR.JUSTICE B.J.SHETHNA)**

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1. All these Appeals are admitted. Learned Counsel Shri A.J. Patel appeared and waived service for the respondent – claimants in all these Appeals. Respondent No.2 – Executive Engineer in all Appeals is formal party.

2. At the joint request of learned Counsel for the parties all these Appeals are taken up today for final disposal and disposed of by this common order as they arise out of the impugned common Judgment and Award dated 11.12.2003 passed by the learned 2nd Extra Assistant Judge and Special Judge (L.A.R.), Ahmedabad (Rural) at Navrangpura, Ahmedabad, in LAR Nos.591 to 602 of 1999, whereby the learned Judge partly allowed all the reference cases filed by the respondent – claimants and held that the claimants would be entitled to Rs.28.50 ps per sq.mtr., as an additional compensation. The Land Acquisition Officer awarded only Rs.2.10 & Rs.1.40 ps per sq.mtr and, therefore, he has awarded a sum of Rs.28.50 ps per sq.mtr as an additional compensation and also awarded further statutory benefit to the claimants. The same is challenged in these Appeals by the appellant – Special Land Acquisition Officer.

3. Today, i.e on 18.8.2005, we have partly allowed First Appeals No.1979 to 1992 of 2005 of this very village Jaliya, whereby the total compensation awarded to the claimant at the rate of Rs.24/- per sq.mtr was reduced to Rs.18/- per sq.mtr where Section 4 notification was issued on 11.12.1993. The only difference, in this case, is that Section 4 notification was issued almost after 2 years i.e on 8.12.1995. Considering the increase of 10% for two years it would come to Rs.21.60 ps. Therefore, both the learned Counsel for the parties agreed that the impugned common Judgment and Award dated 11.3.2003, passed by the learned Special Judge & 2nd Extra Assistant Judge, Ahmedabad (Rural) at Navrangpura, Ahmedabad, in Land Reference Case Nos.591 to 601 of 1999 awarding additional compensation at the rate of Rs.28.50 ps. Per sq.mtr for the irrigated as well as non-irrigated land i.e total compensation of Rs.30.60 ps per sq.mtr for irrigated land and Rs.29.90 ps per sq.mtr for non-irrigated land, be accordingly reduced to Rs.21.60

ps per sq.mtr for irrigated as well as non-irrigated land.

4. Accordingly, all these Appeals are partly allowed in terms of the Judgment and Order dated 18.8.2005 passed in First Appeal Nos.1979 to 1992 of 2005 and it is held that the respondent – claimants are entitled for total compensation at the rate of Rs.21.60 ps per sq.mtr for irrigated as well as non-irrigated land. Rest of the Award passed by the Reference Court is not interfered. Balance amount be now deposited by the appellant before the Reference Court, as early as possible, There shall be no order as to costs.

5. At this stage a request is made by learned counsel Shri Patel for the respondent – claimants that the Appellant be now directed to deposit the remaining amount of compensation before the Reference Court, as early as possible, as in this case Section 4 notification was issued way back in 1995. Once the Appeals are disposed of by this court on judicial side keeping in mind the spirit of Lok Adalat, then it is hope and trust that the Appellant will now deposit the balance amount before the reference Court as early as possible, preferably within six months from the date of receipt of the copy of this Judgment. On the amount being deposited, the Reference Court shall disburse the said amount by way of A/c payee Cheque in the name of respondent – claimants in accordance with law.

(B.J.SHETHNA,J.)

(M.C.PATEL, J.)

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